

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF OKLAHOMA**

Wake Energy, LLC, on behalf of itself and
all others similarly situated,
Plaintiff,

v.

Mustang Fuel Corporation and Mustang
Gas Products, LLC,
Defendants.

Case No. 22-cv-364-RAW-GLJ

**CLASS REPRESENTATIVE’S MOTION FOR APPROVAL OF FINAL
PLAN OF ALLOCATION AND ENTRY OF DISTRIBUTION ORDER**

Pursuant to the Settlement Agreement (Doc. 50-1) and the Plan of Allocation Order (Doc. 70), Class Representative OGP, LLC (“Class Representative”), files this Motion for Approval of Final Plan of Allocation and Entry of Distribution Order.¹ In support of this Motion, Class Representative shows the Court the following:

1. On January 8, 2025, the Court entered several orders (collectively, the “Orders”) related to approval of the Settlement:
 - a. the Judgment (Doc. 68);
 - b. the Plan of Allocation Order (Doc. 70); and

¹ All capitalized terms not otherwise defined in this Motion shall have the same meanings ascribed to them in the Settlement Agreement.

- c. the Order Awarding Plaintiff's Attorneys' Fees, Litigation Expenses, Administration, Notice, and Distribution Costs, and Case Contribution Award (Doc. 69) (the "Fee and Expense Order").

2. Under the Orders and paragraph 6.4 of the Settlement Agreement, Class Representative is required to file and seek approval of a final plan of allocation and entry of a distribution order to disburse the Net Settlement Fund to Class Members. This Motion seeks that approval.

3. Class Representative has calculated a Final Plan of Allocation that takes into account the Gross Settlement Fund (\$2.1 million) and subtracts the amounts awarded in the Fee and Expense Order and the amounts attributable to the opt-outs approved by the Court in the Judgment.

4. The result is Class Representative's proposed Final Plan of Allocation, which is attached to this Motion as Exhibit 1.

5. The proposed Final Plan of Allocation shows the proportionate settlement payments to be made to Class Members in accordance with the Allocation Methodology previously approved.

6. Upon the Court's approval, the distributions set out in the Final Plan of Allocation will be made to Class Members in accordance with the Orders and the Settlement Agreement. To effectuate distribution, the Escrow Agent will transfer funds in the Escrow Account to the Settlement Administrator for further administration and distribution. If payment cannot be made to 100% of the Class Members, any Residual Unclaimed Funds will be handled as set forth in the Orders and Settlement Agreement.

7. Class Representative respectfully requests that the Court enter the proposed Final Plan of Allocation and Distribution Order in the form attached as Exhibit 2. Class Representative will also submit a native version of the proposed order in accordance with the Court's Local Rules.

Respectfully Submitted,

/s/Randy C. Smith

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**COUNSEL FOR
CLASS REPRESENTATIVE**

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to parties and attorneys who are filing users.

/s/ Randy C. Smith